

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1, 9-10 and 13. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-10 and 13-20 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1, 6-10, 13 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burst, Jr. (US 7088677). The Applicant respectfully traverses the Examiner's rejection and requests the Examiner's favorable reconsideration in view of the following amendments and remarks. In that regard, the Applicant extremely appreciates the Examiner's statement in the Advisory Action issued on June 15, 2009 wherein the Examiner indicated that "the applicant's argument that the present invention does not monitor or probe the whole network in order to find a congestion link" is not recited in the pending claims. The Applicant has therefore further amended independent Claims 1, 9, 10, and 13 to recite that the group of media gateways being monitored for any congestion is recited as "wherein said media gateways are a specific subset of said packet switched backbone".

Accordingly, not all links and nodes within a particular network is monitored. Instead, in accordance with the teachings of the present invention, only those incoming packets transmitted from a specified group of media gateways over a packet switched backbone towards a particular gateway acting as a terminating media gateway is monitored. This is different from Burst where control packets are periodically transmitted throughout the network to other media gateways (Col. 15, lines 45-63). Accordingly, Burst fails to show a congestion monitoring system that monitors incoming packets from a specific group of media gateways within a whole packet switched backbone.

Applicant therefore submits that all independent claims, as amended, are now in condition for allowance. All remaining claims depend from now allowable independent

claims and recite further limitations in combination thereof. Therefore, the allowance of claims 1-10, and 13-20 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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